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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,412	12/03/2001	Kwang Soo Choe	K-0345	5933
34610	7590	05/18/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			NELSON, FREDA ANN	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,412

Applicant(s)

CHOE ET AL.

Examiner

Freda A. Nelson

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received March 06, 2006 is acknowledged and entered. Claims 1, 3, and 5 have been amended. Claims 6-9 and 13-67 have been canceled. No claims have been added. Claims 1-5, and 10-12 are currently pending.

Response to Amendment and Arguments

Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive.

In response to applicant's arguments that regarding claim 1, Peterson et al. do not disclose " a database server configured to store information related to products for sale, order errors, and order-available products, the examiner respectfully disagrees. Peterson et al. disclose that the "*Mall portion of the site contains information on all of the vendors (distributors) and manufacturers that use the information network; and while in the Mall, the user can search for and access specific information on each vendor and manufacturer, including products and services, sample sales contacts, and how to establish a "buying connection" (see col. 8, lines 18-26).*

In response to applicant's arguments that regarding claim 1, Peterson et al. do not disclose " a database server configured to store information about each of the plurality of dealing companies and to register the acquired information on the database server", the examiner respectfully disagrees. Peterson et al. disclose that the "*Mall portion of the site contains information on all of the vendors (distributors) and manufacturers that use the information network; and while in the Mall, the user can*

search for and access specific information on each vendor and manufacturer, including products and services, sample sales contacts, and how to establish a "buying connection" (see col. 8, lines 18-26).

In response to applicant's argument that in claim 10, the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., order restriction information of a plurality of products) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

Claim Objections

Claim 5 is objected to because of the following informalities:

Claim 5, line 3, insert "of" before "stored".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3639

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (Patent Number 6,324,522).

As for claim 10, Peterson et al. disclose an e-commerce system, comprising:
a database server configured to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of products (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16); and

a web server, coupled to the database server, and configured to operate a web site to receive on-line orders for an on-line sale of each of the plurality of products, acquire information about the respective products and dealing companies and registering the acquired information to the database server, and perform order control for order-generating dealing companies, when an order for a product purchase is generated from the corresponding dealing companies (col. 43, lines 19-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (Patent Number 6,324,522), in view of Leonard et al. (Patent Number 6,085,171).

As for claims 1 and 2, Peterson et al. disclose an e-commerce system, comprising:

a database server configured to store information relating to at least one of a plurality of dealing companies, orders placed by each of the plurality of dealing companies, products for sale, and order-available products for the respective dealing companies (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16);

Art Unit: 3639

a web server, coupled to the database server, and configured to operate a website to receive order sheets on-line from the plurality of dealing companies for on-line sale of the products for sale and to select the order-available products for corresponding ones of the plurality of dealing companies to display only the available products on an interface screen (col. 43, lines 19-30);

an information acquisition server, coupled to the database server and configured to acquire information about each of the plurality of dealing companies, and to register the acquired information on the database server (FIG. 11); and

an order control server configured to gather information about items ordered through the web server (col. 5, lines 4-15; FIGS. 13-16).

Peterson et al. do not disclose a database server configured to store information relating to product order errors. Peterson et al. do not further disclose an order control server configured to gather information about the respective order error items stored in the database server, and to determine whether the error of the corresponding order is correct, and to execute a selective order control in accordance with the determination. Leonard discloses a connection between an agent and a server to check for many of the commonly encountered errors in order data, to submit orders electronically, including the signature authorization form, and to update the agent's order entry software (col. 1, lines 39-45); the connection also allows the server to quickly communicate errors that it detects in the orders to the client for correction (col. 2, lines 16-24; FIG. 5); and client 10 may select from several options for the product selection (col. 12, lines 23-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Leonard in order to have the ability to detect errors.

As for claims 3-4, Peterson et al. do not disclose the system further comprising a divisional order processing server, configured to perform a scheduled order processing so that a shipment amounting to a partial quantity of a total order quantity of the order-confirmed product is performed at prescribed times, and to register the items of the scheduled order processing to a temporary order information storage unit; and wherein the temporary order storage unit comprises a prescribed information storing area allocated randomly to the database server, however, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claims 3 and 4, including an e-commerce system including order processing server are disclosed in Peterson et al. as described herein. Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

As for claim 5, Peterson et al. disclose the system further comprising a shipment coupled to a warehouse network, and configured to manage each of plurality stored

Art Unit: 3639

warehouse products in stock so as to confirm a shipment of the corresponding order quantity of each of the orders, wherein the shipment confirmation server is configured to be controlled in connection with the web server and database server respectively.

3. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. in view of Kirsch (Patent Number 5,963,915).

As for claim 11, Peterson et al. do not disclose the e-commerce system of claim 10, further comprising an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies in accordance with the information about the products registered in the database server and information about the respective dealing companies. Kirsch discloses that additional levels of authentication and security, including restrictions on shipping destination, and e-mail confirmation of orders, can be readily and optionally added in a convenient manner determined on a per server basis (col. 5, lines 22-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Kirsch in order to make sure companies are in compliance of ordering rules.

As for claim 12, Peterson et al. disclose the system of claim 10, wherein the order restriction information includes at least one of amounts in stock by the respective models of sales products, sale or sale-suspension of the respective models of the sales products, out-of-production or production of the respective models of the sales products. However, it is old and well known in the business industry to place restrictions on orders so products are not ordered which are out of stock or not carried by the merchant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of restricting orders in order to maintain ordering structure.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3639

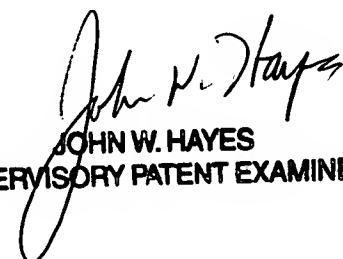
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 05/14/2006



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER